

REMARKS

Claims 18-25 were pending. Claim 23 is amended herein. New claims 26-31 are added. Support for the amendment and new claims are found throughout the specification, and therefore it is believed that no new matter is added. Claims 18-31 are pending. No claim is allowed.

Formal Matters

Applicants note that the pending claim set of claims 18-24 was inadvertently misnumbered with two claims being numbered "23". This is corrected herein with the claims now being numbered as claims 18-25. New claims 26-31 depend from claim 23, now rewritten as an independent claim.

Applicants have provided herein an amended set of claims in which all claims and new claims 26-31 are indicated as new and are completely underlined. For the Examiner's convenience, Applicants have marked claim 23 as currently amended relative to the originally submitted new claims in the Amendment mailed April 21, 2004.

A new reissue declaration by the assignee is also included herewith as Exhibit A.

Objection Under 37 C.F.R. § 1.173(b)

Claims 18-25 are objected to under 37 C.F.R. § 1.173(b) as being non-complaint in failing to underline the entire claim. The complete set of new claims is included herein with all claims completely underlined and indicated as new claims. In view of the above, Applicants request the withdrawal of this objection.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 23 remains rejected under 35 U.S.C. § 112, second paragraph as allegedly being improperly dependent on claim 18 for reasons of record. Applicants traverse this rejection.

Claim 23 is rewritten herein as an independent claim, rendering the above rejection moot. Accordingly, it is believed this basis for rejection may be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. **140942000201**.

Dated: June 24, 2004

Respectfully submitted,

By


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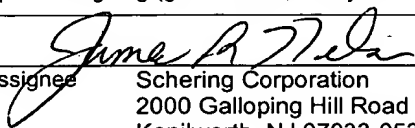


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PTO/SB/52 (07-03)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE		Docket Number (optional) DX0758K1-RE
I hereby declare that: The residence, mailing address and citizenship of the inventors are stated below. I am authorized to act on behalf of the following assignee: <u>SCHERING CORPORATION</u> and the title of my position with said assignee is: <u>Vice President</u> The entire title to the patent identified below is vested in said assignee.		
Inventor <u>J. Fernando BAZAN</u>		Citizenship <u>US</u>
Residence/Mailing Address <u>426 Waverly Street, #6</u> <u>Palo Alto, CA 94301</u>		
Inventor		Citizenship
Residence/Mailing Address		
<input type="checkbox"/> Additional Inventors are named on separately numbered sheets attached hereto.		
Patent Number		Date of Patent Issued
Title of Invention <u>DNA ENCODING INTERLEUKIN-B30</u>		
I believe said inventor(s) to be the original and first inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled: <u>DNA ENCODING INTERLEUKIN-B30</u> the specification of which <input type="checkbox"/> is attached hereto. <input checked="" type="checkbox"/> was filed on <u>August 22, 2001</u> as reissue application number <u>09/935,366</u> and was amended <u>March 20, 2002, January 30, 2003, December 2, 2003, April 21, 2004,</u> <u>and in the Amendment filed concurrently herewith</u> (If applicable)		
I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.		
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.		
<input type="checkbox"/> I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.		
I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)		
<input type="checkbox"/> by reason of a defective specification or drawing.		
<input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.		
<input type="checkbox"/> by reason of other errors.		

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REISSUE APPLICATION DECLARATION BY THE ASSIGNEE				Docket Number (Optional) DX0758K1-RE																					
At least one error upon which reissue is based is described as follows:																									
[Attach additional sheets, if needed.]																									
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.																									
I hereby appoint:																									
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OR																									
<input checked="" type="checkbox"/> Practitioner(s) named below:																									
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as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.																									
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.																									
Full name of person signing (given name, family name) James R. Nelson																									
Signature  Date Jun 21, 2004																									
Address of Assignee Schering Corporation 2000 Galloping Hill Road Kenilworth, NJ 07033-0530																									